

Rule 38. Trials de novo of justice court proceedings.

(a) Right to appeal. Appeal of a judgment or order of the justice court is as provided in Utah Code Section 78-5-120.

(b) Venue. The appeal shall be heard in the district court location nearest to and in the same county as the justice court from which the appeal is taken. Either party may move for a change of venue under the applicable Rules of Criminal Procedure.

(c) The notice of appeal. The notice of appeal must be filed within thirty days of the entry of judgment or order. Within twenty days after receipt of the notice of appeal, the justice court shall transmit to the district court a certified copy of the docket, the information or waiver of information, the judgment and sentence and other orders and papers filed in the case.

(d) Stay of judgment. Upon the filing of the notice of appeal and the issuance of a certificate of probable cause as provided for in the Rules of Criminal Procedure, the judgment of the justice court shall be stayed.

(e) Orders. Upon the filing of the notice of appeal, the district court shall issue all further orders governing the trial de novo or hearing de novo, except that the justice court shall determine the application for a certificate of probable cause.

(f) Proceedings and order of the district court. The district court shall conduct anew the proceedings on which the judgment or order appealed from are based. Unless the case is remanded, the disposition of fine revenue shall be according to district court procedures. Upon entry of the judgment or final order of the district court, the clerk of the district court shall transmit to the justice court which rendered the original judgment notice of the manner of disposition of the case.

(g) Remand. The district court may dismiss the appeal and remand the case to the justice court if the appellant:

(g)(1) fails to appear,

(g)(2) fails to take steps necessary to prosecute the appeal, or

(g)(3) requests the appeal be dismissed.

Upon entering a decision in a hearing de novo, the district court shall remand the case to the justice court as required by Utah Code Section 78-5-120.

~~(h) Traffic convictions. Notwithstanding the filing of a notice of appeal, if a person is convicted of a traffic offense in justice court, the justice court shall require the person to~~

~~surrender all of his or her license certificates and the justice court shall forward them with the record of conviction to the Driver License Division within ten days as provided in Utah Code Section 53-3-218.~~